REMARKS

Claims 1 - 15 are pending in the application and are presented for a first substantive examination on the merits.

In the outstanding Office Action, claims 1 – 15 are subjected to a restriction requirement.

By this Response to Restriction Requirement, an election with traverse is made.

SUMMARY OF RESTRICTION

In the Official Action, the Examiner has required restriction to the following inventions under 35 U.S.C. §121 and 372:

Group I: claims 1 – 12 and 14 - 15, drawn to a method of treating vegetable material; and

Group II: claim 13, drawn to a particulate product.

PROVISIONAL ELECTION

Applicants provisionally elect **GROUP I (claims 1 – 12 and 14 -15) drawn to a method of treating vegetable matter.** Applicants submit that all claims are identified as encompassing the elected invention.

RESPONSE

It is respectfully submitted that there is no serious burden to examine the claims of Groups I and II. Under MPEP §803, "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." Regardless of any differences that may exist between the inventions set forth in the different claims, a complete and thorough search for the invention set forth in any one of the Groups would require searching the art areas appropriate to the other Groups. Due to the similarity of the features of the Groups, a search for each of the inventions of the Groups would be coextensive and, therefore, it is respectfully submitted that it would not be a *serious* burden upon the Examiner to examine all of the claims in this application.

Moreover, given the overlapping subject matter of the Groups, examinations of all of the invention groups would not pose a serious burden because they would be coextensive. Further, the fact that various Groups may fall under different U.S. Patent and Trademark Office classes does not necessarily make them independent or distinct inventions. The classification system at the U.S.

Patent and Trademark Office is based in part upon administrative concerns and is not necessarily indicative of separate inventive subject matter in all cases.

Further, Applicants have paid a filing fee for an examination of all the claims in this application. If the Examiner refuses to examine the claims paid for when filing this application and persists in requiring Applicants to file divisional applications for each of the groups of claims, the Examiner would essentially be forcing the Applicants to pay duplicative fees for the non-elected or withdrawn claims, inasmuch as the original filing fees for the claims (which would be later prosecuted in divisional applications) are not refundable.

Furthermore, the Examiner has at his disposal powerful electronic search engines providing the ability to quickly and easily search all of the claims. Considering that the Examiner will most likely undertake a search for the product of Group II, while searching for the method of related Group I would be minimally burdensome on the Examiner in view of the fact that both Groups share similar features.

In view of the foregoing, Applicants respectfully request that the Examiner reconsider and withdraw the restriction requirement, and to examine all of the claims pending in this application.

CONCLUSION

If the Examiner has any questions or comments regarding this matter, he is welcomed to contact the undersigned attorney at the below-listed number and address.

Respectfully submitted,

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